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UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/774,516	01/31/2001	Balkrishna S. Jadhav	687-430

CONFIRMATION NO. 9340

FORMALITIES LETTER



OC00000005876615

OPPENHEIMER WOLFF & DONNELLY LLP
ATTN: James W. Inskeep
Suite 700
500 Newport Center Drive
Newport Beach, CA 92660

Date Mailed: 03/19/2001

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

05/22/2001 SMINASS1 00000003 09774516

01 FC:105

130.00 OP

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) Fig 4, Fig 5 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing

figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

NK

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



CERTIFICATE OF MAILING

I hereby certify that on 5-18-01 this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10

☒ with sufficient postage as first class mail☐ as "Express Mail Post Office to Addressee" Mailing Label No.

Angela Wendel

Applicant: Balkrishna S. Jadhav

Serial No.: 09/774,516

Filed: 01/31/01

Title: Bioresorbable Stent

Examiner: David J. Isabella

Group Art Unit: 3734

Atty Docket No.: 687-430

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Assistant Commissioner for Patents
Box Missing Parts
Washington, D.C. 20231

Sir:

In response to the Notice of Omitted Items in a Nonprovisional Application mailed March 19, 2001, (copy enclosed), applicant submits Figures 4 and 5 as described in the specification.

Our check in the amount of \$130.00 representing the late filing fee surcharge is enclosed.

The Commissioner is hereby authorized to charge payment of any additional filing fees or credit any overpayment to Deposit Account No. 16-2230. A duplicate copy of this sheet is attached.

Respectfully submitted,

James W. Inskeep
Registration No. 33,910

Dated: 5/15/01

OPPENHEIMER WOLFF & DONNELLY LLP
840 Newport Center Drive, Suite 700
Newport Beach, CA 92660
Telephone: (949) 823-6000
Facsimile: (949) 823-6030